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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,873	07/25/2007	Hans Gauger	17 - 054P / US	7825
7590	11/19/2007		EXAMINER	
John R. Hlavka Watts Hoffmann CO., L.P.A. P.O.Box 99839 Cleveland, OH 44199-0839			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	
			MAIL DATE	DELIVERY MODE
			11/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/584,873	GAUGER, HANS
	<b>Examiner</b>	<b>Art Unit</b>
	Amy J. Sterling	3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 July 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 July 2007 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  - 1: Certified copies of the priority documents have been received.
  - 2: Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3: Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

This is the first Office Action for application number 10/584,873, Device for Holding at Least Two Oblong Articles, filed on 7/25/07. Claims 1-9 are pending.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by United

States Patent No. 6899305 to Korczak et al.

The patent to Korczak et al. discloses a device (100) for holding at least two oblong articles in an essentially parallel arrangement, with a receiving part (13) for receiving the articles (15), which encloses a receiving space, whereby the receiving part exhibits an abutment section (114) on which the first article introduced into the receiving part rests, and with spring elements (104) which are connected with the receiving part and which are for fixing the articles, whereby a spring element is configured as a locking tongue (29, 30) which can be moved transversely to the longitudinal direction of the receiving part between a deflected position and a rest position, and which exhibits at its free end a section for the first article; and in the introduction direction upstream of the receiving section, an articulated element that protrudes into the receiving space when in the rest position and exhibits a front section and a back section that come together in a break region that projects into the receiving space, whereby when the first article is introduced, the free end is displaced into the deflected position when the articulated element contacts the first article, characterized in that the section at the free end of the locking tongue is a bent receiving section which, when the first article comes to rest on the abutment section encloses the first article to such an extent that the locking tongue is fixed in the rest position and that the articulated element is arranged between two

areas of the receiving space each of which receives an article and wherein the side of the receiving section facing the first article is configured in accordance with the abutment section, wherein the at least one additional spring element that lies opposite the articulated element (17) is present and is configured as a counter-tongue with a projection (22) formed by a back section which come together in a break region that projects in the receiving space, the projection that lies opposite the most raised region of the articulated element and having another spring element (on the other side) which is opposite the first spring element.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various cable holding devices with spring elements:

2005/0121561 to Sweigard

7152831 to Riedy et al.

6257530 to Tsai

5921520 to Wisniewski

3003736 to Hofgesang

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Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

Amy J. Sterling  
11/8/07

*Amy J. Sterling*  
AMY J. STERLING  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600